

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Gontrum Road, 610' N of the
c/l of Connection Road
(11834 Gontrum Road)
11th Election District
5th Councilmanic District

Vincent Pignetti, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-184-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 11834 Gontrum Road, located in the vicinity of Mount Vista Road in Kingsville. The Petition was filed by the owners of the property, Vincent and Rita M. Pignetti. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a south side setback of 47 feet in lieu of the required 50 feet for a proposed addition and to amend the Final Development Plan of Batter Brook Farms, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of December, 1995 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a south side setback of 47 feet in lieu of the required 50 feet for a proposed addition and to amend the Final Development Plan of Batter Brook Farms, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

RECEIVED FOR FILING
12/13/95
[Handwritten initials]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 3, 1995

Mr. & Mrs. Vincent Pignetti
11834 Gontrum Road
Kingsville, Maryland 21087

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Gontrum Road, 610' N of the c/l of Connection Road
(11834 Gontrum Road)
11th Election District - 5th Councilmanic District
Vincent Pignetti, et ux - Petitioners
Case No. 96-184-A

Dear Mr. & Mrs. Pignetti:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File ✓



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11834 Gontrum Road

which is presently zoned

RC-5

96-184-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3B.3 to permit a 47 foot left side setback in lieu of the required 50 foot minimum setback and to amend the Final Development Plan of Batter Brook Farms.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The required setbacks will not permit the construction of an addition adequate to support the family's needs.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

X VINCENT PIGNETTI
(Type or Print Name)

Vincent Pignetti
Signature

X RITA M. PIGNETTI
(Type or Print Name)

Rita M. Pignetti
Signature

11834 Gontrum Road 931-2789(H)
527-4226(W)

Address

Phone No.

Kingsville,

MD

21087

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

McKee & Associates, Inc.

527-1555

Name

5 Shawan Road, Hunt Valley, MD 21030

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: *gf*

DATE:

10-31-95

ESTIMATED POSTING DATE:

11/12/95

Printed with Soybean Ink
on Recycled Paper

ITEM #: 185

RECEIVED FOR FILING

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 11834 Gontrum Road

address
Kingsville, MD 21087
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

See attached letter from McKee & Associates, Inc.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

x Vincent Pignetti
(signature)
VINCENT PIGNETTI
(type or print name)



x Rita M. Pignetti
(signature)
RIITA M. PIGNETTI
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of October, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Vincent Pignetti and Rita M. Pignetti

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10/30/95
date

Penelope M. Keeney
NOTARY PUBLIC

My Commission Expires:

7/1/99

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

96-184-A

October 30, 1995

Baltimore County Zoning Commissioner
Baltimore County Office of Planning & Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: 11834 Gontrum Road

Dear Mr. Commissioner:

The petitions requesting the relief to be granted in this case, do so as a direct result of a computational error on the part of McKee & Associates, Inc. As shown on the plat accompanying their variance request, the existing dwelling is situated 66 feet from the left property line. The variance requested is sufficient to allow the construction of a 19 foot addition to the left side that has always been contemplated by the petitioners.

A review of the site grading plan submitted as a part of the building permit application reveals that the dwelling was to be situated 69 feet from the left property line. It was the understanding between the petitioners, the builder, and McKee & Associates, Inc. that the owners would have room remaining to construct the proposed 19 foot addition. At the time the dwelling was staked for construction however, McKee & Associates erred in the required computations and left only 66 feet to the property line.

The petitioners request for a variance to Section 1A04.3B.3 of the Baltimore County Zoning Regulations should be granted for the following reasons.

1. The location of the existing dwelling in relation to the property lines will not allow the construction of the proposed 19 foot addition that the petitioners had previously anticipated.
2. The petitioner's hardship is not self created, and was in fact beyond their control.

Encl 2

#185

Letter to Baltimore County Zoning Commissioner
Re: 11834 Gontrum Road
October 30, 1995
Page Two

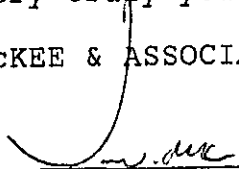
96-184-A


3. The granting of the variance sought will not be detrimental to the health, safety, or general welfare of the surrounding community.
4. The variance requested is the minimum necessary to permit the addition.
5. The proposed addition is necessary to support the needs of a growing family and the possible future care of the petitioner's in-laws.

We appreciate your consideration of the above facts during your review of the petitioner's request.

Very truly yours,

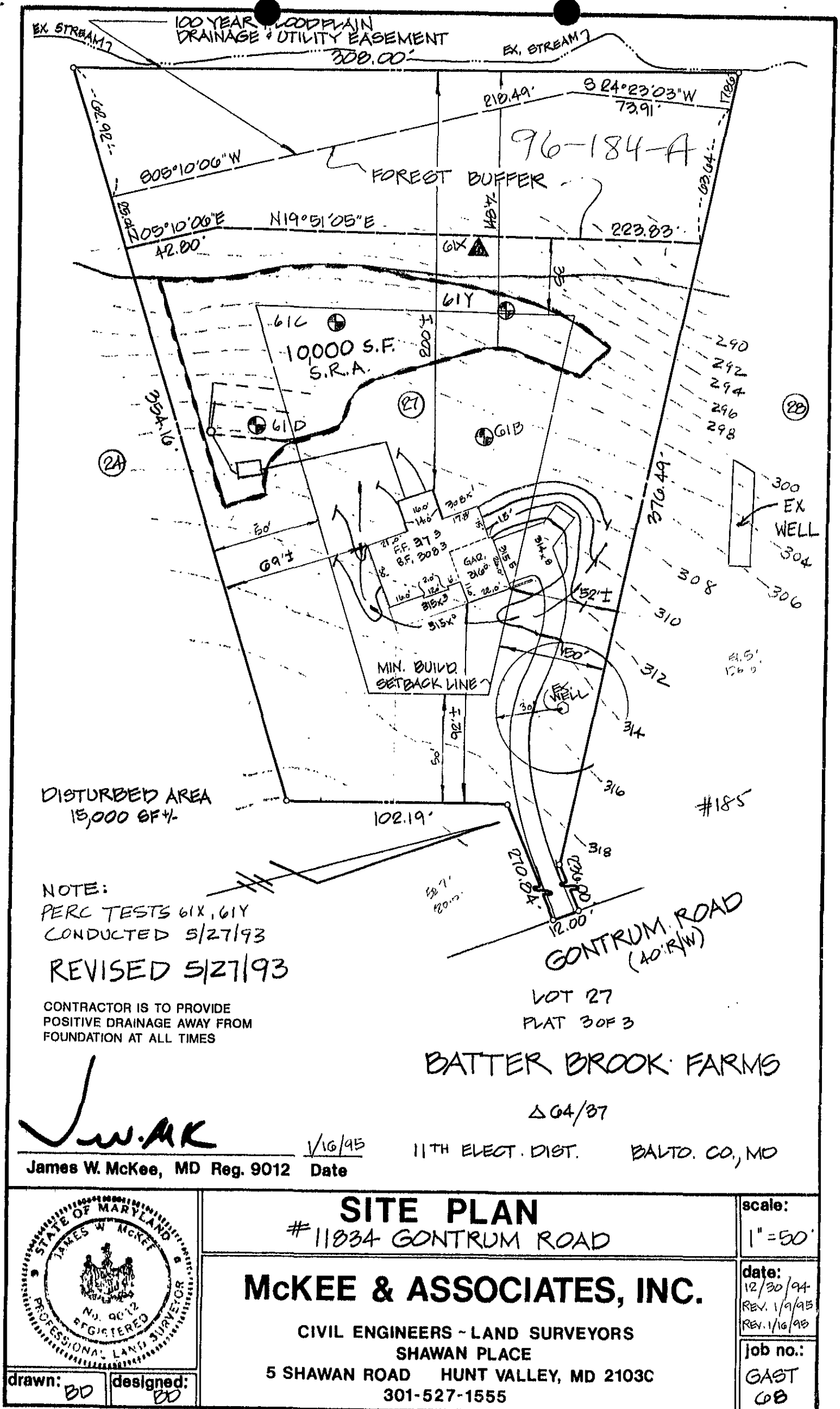
McKEE & ASSOCIATES, INC.


James W. McKee, L.S., President


James D. Grammer, Associate

JWM/JDG:ajw

185



96-184-A

October 30, 1995

ZONING DESCRIPTION FOR
11834 GONTRUM ROAD
11TH ELECTION DISTRICT
BALTIMORE COUNT, MARYLAND

Beginning at a point on the west side of Gontrum Road which is 50 feet wide at the distance of 610 feet, north of the centerline of Connection Road which is 50 feet wide.

Being Lot 27, in the subdivision of Batter Brook Farms as recorded in Baltimore County Plat Book 64, folio 37.

Containing 1.80 acres. Also known as 11834 Gontrum Road and located in the 11th Election District, 5th Councilmanic District.

185

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-184-A

District 118

Posted for Variance

Date of Posting 11/12/95

Petitioner: Lincoln & Rita Rignetti

Location of property: 11834 Contrim Rd, W/5

Location of Sign: Facing road on property being zoned

Remarks: _____

Posted by [Signature]

Signature

Date of return: 11/17/95

Number of Signs: 1

RECEIVED



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE 10-31-75

ACCOUNT R-0018615 000

96-184-A

AMOUNT \$ 135.00

RECEIVED

FROM:

McKra & Associates, Inc.

PRO. Vars. 50

050 (H. (Amid) . . . 50

080 Sign 35

Taken by: JRF

ITEM # 185

FOR:

135

Plumber *10/31/75* *135.00*
TOTAL RECEIVED
BAL. CASH/RECEIVED

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 185 Petitioner: Vincent & Rita Pignetti

Location: W side Gentrum Road 610 feet N. of Connection Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: McKee & Associates, Inc.

ADDRESS: 5 Shawan Road

Hunt Valley, Maryland 21030

PHONE NUMBER: (410) 527-1555

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 9, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-184-A (Item 185)
11834 Gontrum Road
W/S Gontrum Road, 610' N of c/l Connection Road
11th Election District - 5th Councilmanic
Legal Owner: Vincent Pignetti and Rita M. Pignetti

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before November 12, 1995. The closing date (November 27, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

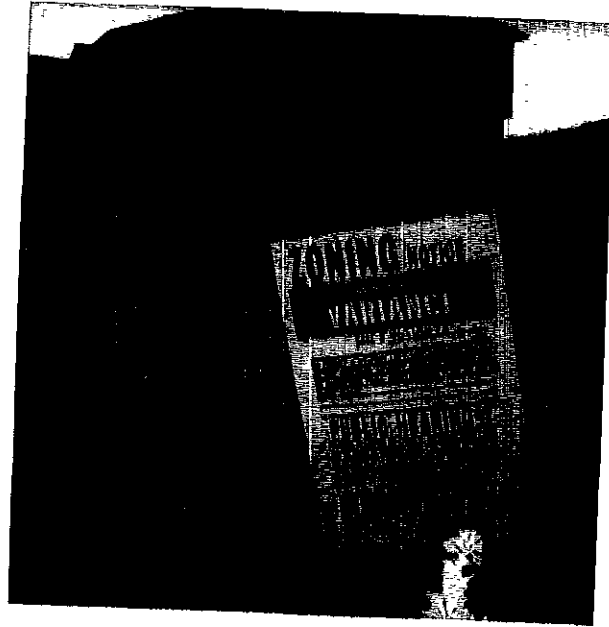
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Vincent and Rita Pignetti





MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile (410) 527-1563

October 30, 1995

Baltimore County Zoning Commissioner
Baltimore County Office of Planning & Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: 11834 Gontrum Road

Dear Mr. Commissioner:

The petitions requesting the relief to be granted in this case, do so as a direct result of a computational error on the part of McKee & Associates, Inc. As shown on the plat accompanying their variance request, the existing dwelling is situated 66 feet from the left property line. The variance requested is sufficient to allow the construction of a 19 foot addition to the left side that has always been contemplated by the petitioners.

A review of the site grading plan submitted as a part of the building permit application reveals that the dwelling was to be situated 69 feet from the left property line. It was the understanding between the petitioners, the builder, and McKee & Associates, Inc. that the owners would have room remaining to construct the proposed 19 foot addition. At the time the dwelling was staked for construction however, McKee & Associates erred in the required computations and left only 66 feet to the property line.

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1. The location of the existing dwelling in relation to the property lines will not allow the construction of the proposed 19 foot addition that the petitioners had previously anticipated.
2. The petitioner's hardship is not self created, and was in fact beyond their control.

MICROFILMED

#185

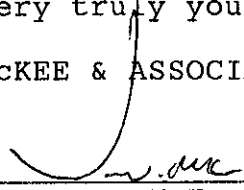
Letter to Baltimore County Zoning Commissioner
Re: 11834 Gontrum Road
October 30, 1995
Page Two

3. The granting of the variance sought will not be detrimental to the health, safety, or general welfare of the surrounding community.
4. The variance requested is the minimum necessary to permit the addition.
5. The proposed addition is necessary to support the needs of a growing family and the possible future care of the petitioner's in-laws.


We appreciate your consideration of the above facts during your review of the petitioner's request.

Very truly yours,

McKEE & ASSOCIATES, INC.



James W. McKee, L.S., President



James D. Grammer, Associate

JWM/JDG:ajw

#185

SCALE: 1" = 200'

SHT. N.E. 14-I

96-184-A

R. C 5



SITE

185-

R. C. 5

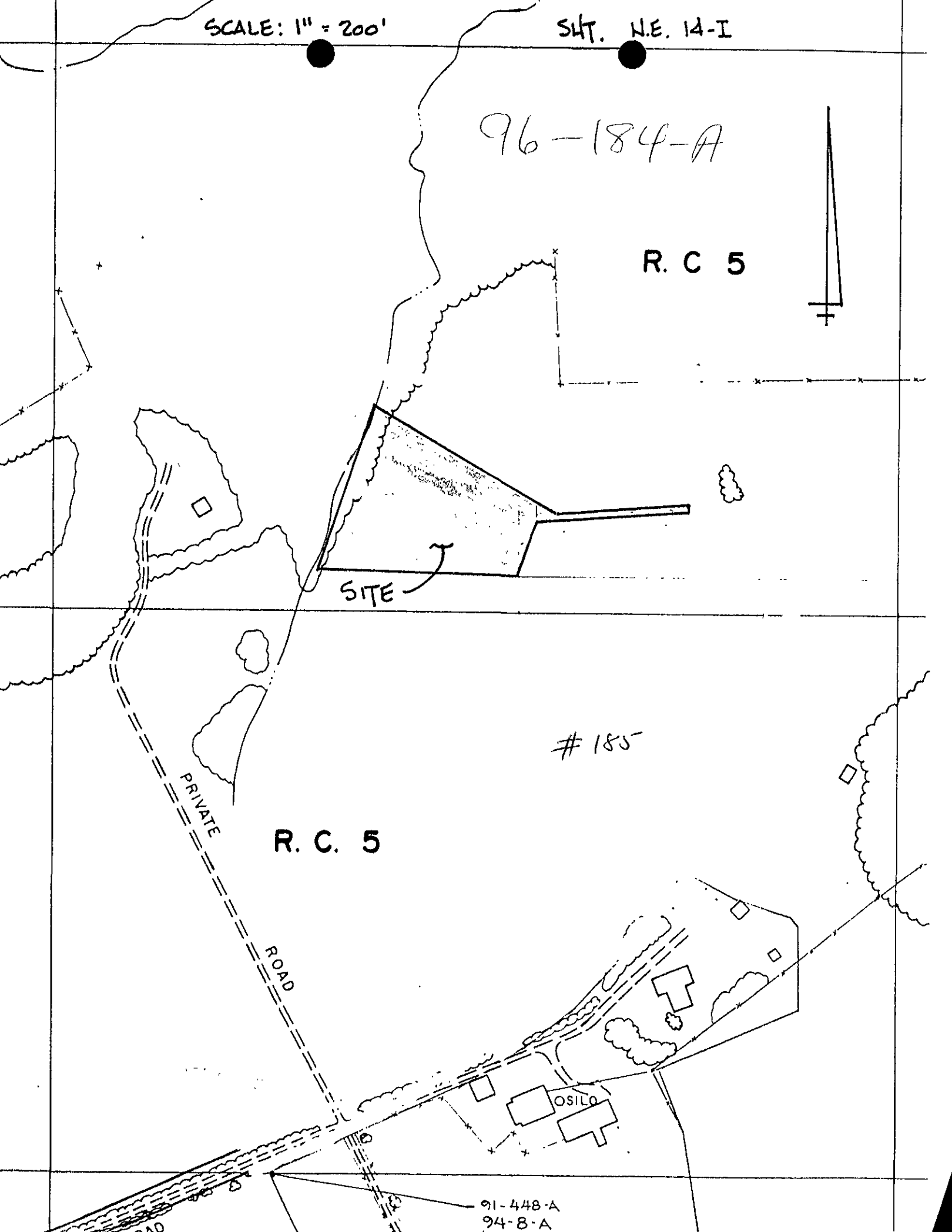
PRIVATE

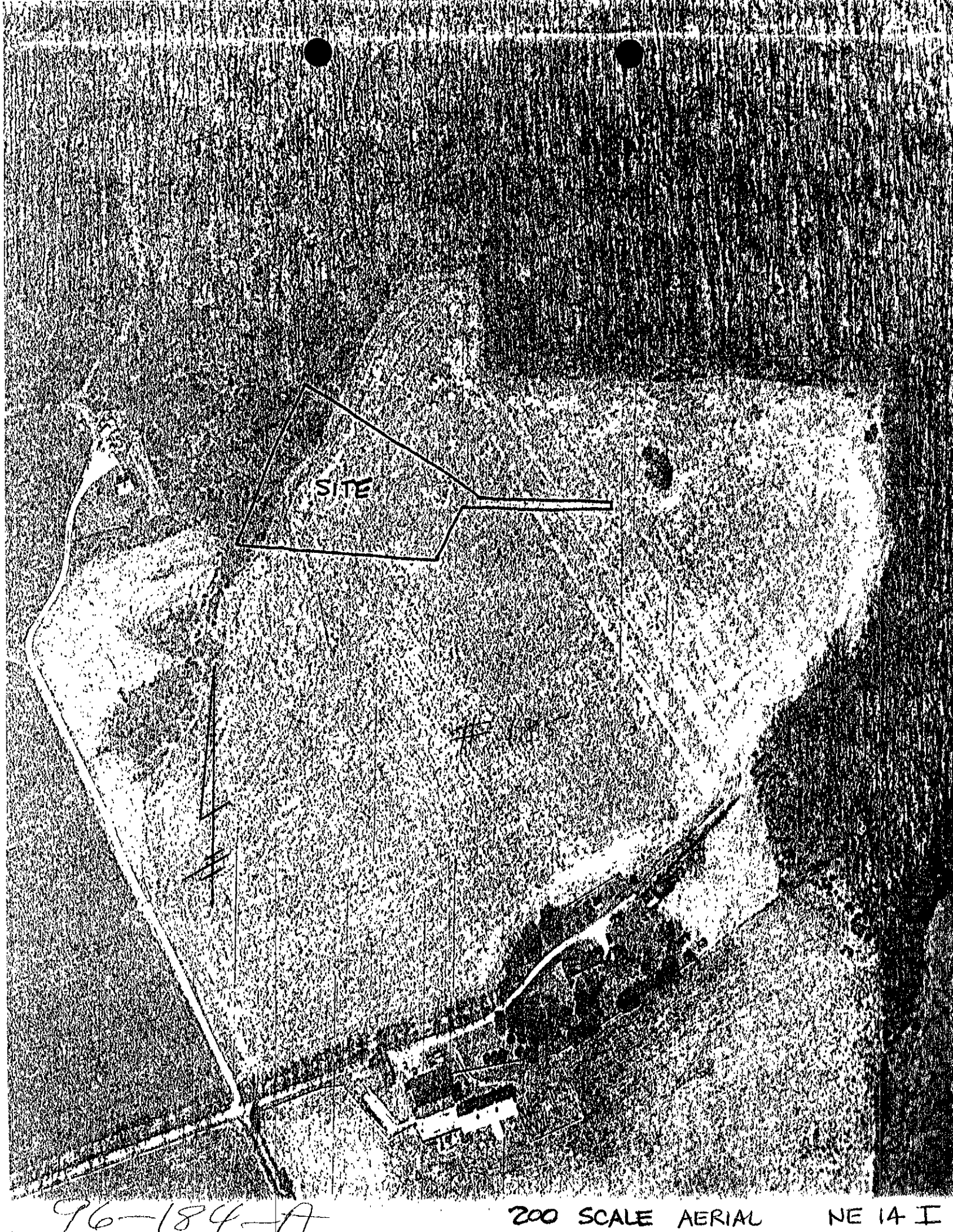
ROAD

OSILO

91-448-A

94-8-A





SITE

96-184-A

200 SCALE AERIAL NE 14 I

96-184-A



SIDEYARD AT PROPOSED ADDITION LOCATION



#185

FRONT & SIDEYARD AT PROPOSED
ADDITION LOCATION

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: # 11334 GONTZUM ROAD see pages 5 & 6 of the CHECKLIST for additional required information

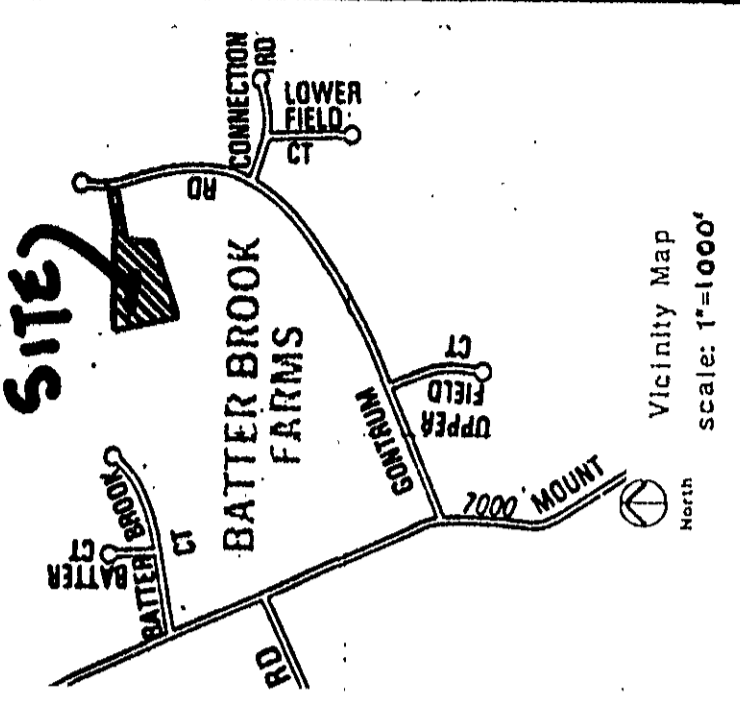
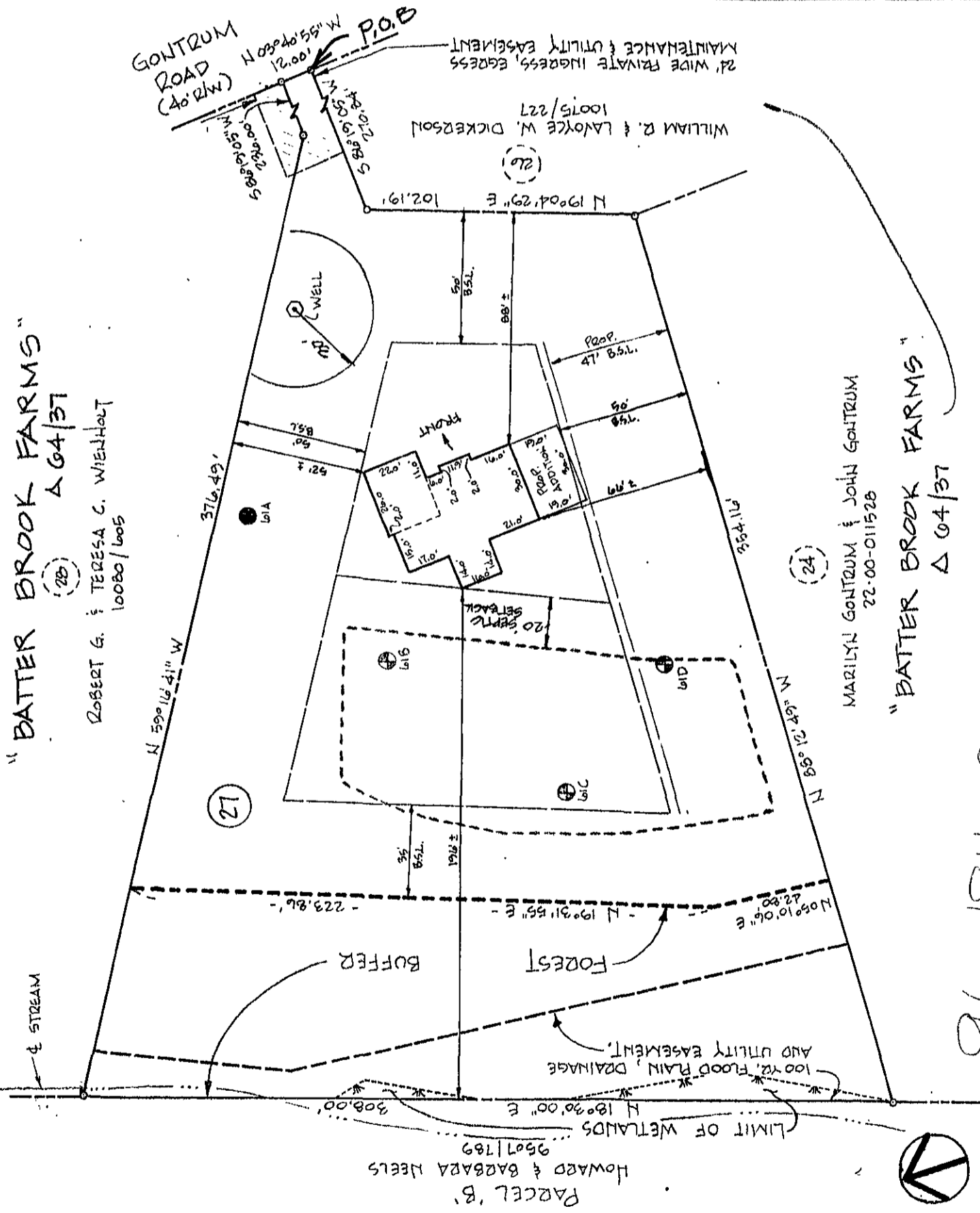
Subdivision name: BATTER BROOK FARMS

plat book# 64, folio# 37, lot# 27, section# PLAT 3 OF 3

OWNER: VINCENT & ZITA PIGNETTI

"BATTER BROOK FARMS"

ROBERT G. & TERESA C. WIENHOUT
10080/605
Δ 64/37



LOCATION INFORMATION

Election District: 11
Councilmanic District: 5
1"=200' scale map#: N.E. 14-I
Zoning: R.C.5
Lot size: 1.60 acreage 78408.0 square feet

SEWER: ☐ public ☒ private
WATER: ☐ public ☒ private
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: *[Signature]* ITEM #: 185 CASE#:

North
date: 10-24-95
prepared by: MCKEE & ASSOC., INC. Scale of Drawing: 1"= 50'

96-184-A



	<h1 style="text-align: center;">SITE PLAN</h1> <p style="text-align: center;"># 11034 <i>CONTRIM ROAD</i></p>		scale: 1" = 50'
	<h2 style="text-align: center;">McKee & ASSOCIATES, INC.</h2> <p style="text-align: center;">CIVIL ENGINEERS - LAND SURVEYORS</p> <p style="text-align: center;">SHAWHAN PLACE 5 SHAWHAN ROAD HUNT VALLEY, MD 2103C 301-527-1555</p>		date: 12/1/80 Rev. 1/1/81 Rev. 1/1/82
drawn: <i>PD</i>	designed:	job no.: C-10	

96-184-A

October 30, 1995

ZONING DESCRIPTION FOR
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11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

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Being Lot 27, in the subdivision of Batter Brook Farms as recorded in Baltimore County Plat Book 64, Folio 37.

Containing 1.80 acres. Also known as 11834 Gontrum Road and located in the 11th Election District, 5th Councilmanic District.

185

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 11/12/95
Posted for: Variance
Petitioner: Vincent & Rita Pignetti
Location of property: 11834 Gontrum Rd, 9/5
Location of Sign: 175127 710 Ave. on property facing road
Remarks: [Signature] Date of return: 11/15
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

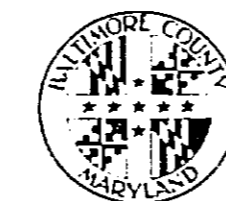
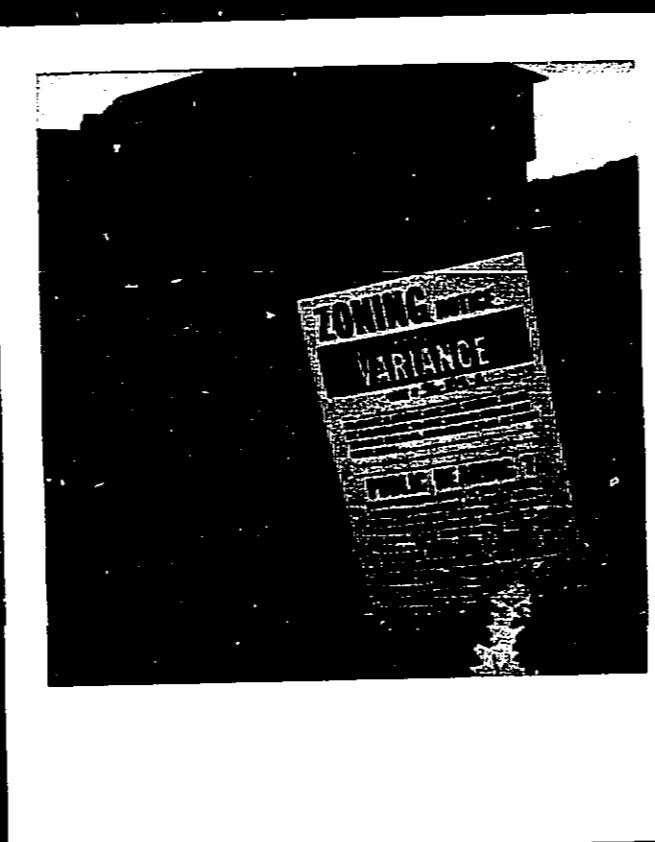
No. 005702

DATE 10-31-95 ACCOUNT R-001615-000

96-184-A AMOUNT \$ 135.00

RECEIVED FROM: McKee & Associates, Inc.
C/O Van... 50 Taken by: JRF
C/O Van... 50
C/O Van... 50
FOR: 135
ITEM # 185

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 185 Petitioner: Vincent & Rita Pignetti

Location: W Side Gontrum Road 610 feet N of Connection Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: McKee & Associates, Inc.

ADDRESS: 5 Shavano Road

Hunt Valley, Maryland 21030

PHONE NUMBER: (410) 527-1555



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 9, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-184-A (Item 185)
11834 Gontrum Road
W Side Gontrum Road, 610' N of c/l Connection Road
11th Election District - 5th Councilmanic
Legal Owner: Vincent Pignetti and Rita M. Pignetti

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Arnold Jablon

Arnold Jablon
Director

cc: Vincent and Rita Pignetti

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN BLVD 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Fax: (410) 527-1563

October 30, 1995

Baltimore County Zoning Commissioner
Baltimore County Office of Planning & Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: 11834 Gontrum Road

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The petitioners request for a variance to Section 1A04.3B.3 of the Baltimore County Zoning Regulations should be granted for the following reasons.

1. The location of the existing dwelling in relation to the property lines will not allow the construction of the proposed 19 foot addition that the petitioners had previously anticipated.
2. The petitioner's hardship is not self created, and was in fact beyond their control.

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3. The granting of the variance sought will not be detrimental to the health, safety, or general welfare of the surrounding community.
4. The variance requested is the minimum necessary to permit the addition.
5. The proposed addition is necessary to support the needs of a growing family and the possible future care of the petitioner's in-laws.

We appreciate your consideration of the above facts during your review of the petitioner's request.

Very truly yours,

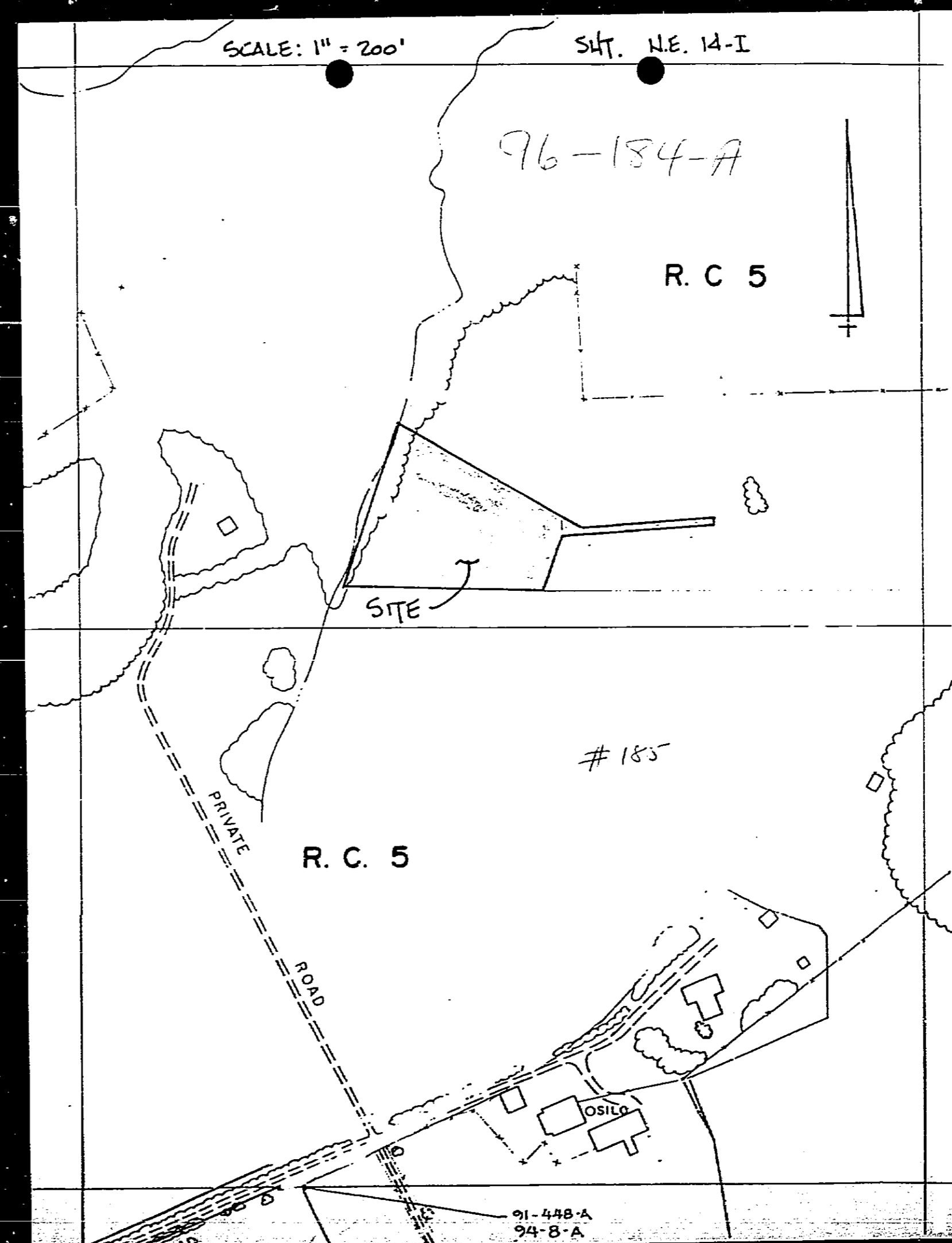
MCKEE & ASSOCIATES, INC.

James W. McKee, L.S., President

James D. Grammer
James D. Grammer, Associate

JWM/JDG:ajw

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SIDEYARD AT PROPOSED ADDITION LOCATION



FRONT & SIDEYARD AT PROPOSED
ADDITION LOCATION

[illegible]